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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 BMW OF NORTH AMERICA, LLC, a
12 Delaware Limited Liability Company,
13 and BAYERISCHE MOTOREN
14 WERKE AG, a German Corporation,

15 Plaintiffs,

16 v.

17 AINSLEY DALRYMPLE, an
18 Individual; and DOES 1-10, inclusive,

19 Defendants.
20

Case No.: 2:16-cv-02330-AB-FFM

**~~PROPOSED~~ FINAL JUDGMENT,
INCLUDING PERMANENT
INJUNCTION, AGAINST
DEFENDANT AINSLEY
DALRYMPLE**

21 Plaintiffs BMW OF NORTH AMERICA, LLC (“BMW NA”), and
22 BAYERISCHE MOTOREN WERKE AG (“BMW AG”) (collectively
23 “Plaintiffs”) are hereby awarded final judgment on their claims for relief against
24 Defendant AINSLEY DALRYMPLE (“Defendant”), as set forth in Plaintiffs’
25 Complaint (“Complaint”) as the prevailing parties in this action.

26 WHEREAS, Defendant has registered, maintained, and is responsible for
27 the eBay seller IDs “admotors” and “partfanatics” (collectively the “Accounts”).
28 These Accounts were used to advertise, offer for sale, sell and distribute
counterfeit products to consumers featuring Plaintiffs’ trademarks, specifically

1 including but not limited to BMW®, M®, M3® and M5®, as well as the
2 corresponding logos.

3 WHEREAS, Defendant has used a PayPal account with the email address of
4 bimmerheart01@aol.com to process and finalize sales through their Accounts.

5 IT IS HEREBY ORDERED that Plaintiffs are entitled to an award of
6 damages in the sum of \$200,000.00, pursuant to 15 U.S.C. §1117(c), Rule 55(b)
7 of the *Federal Rules of Civil Procedure* and under Local Rule 55-1.

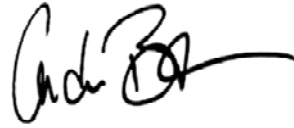
8 IT IS ALSO HEREBY ORDERED that Plaintiffs are entitled to attorneys'
9 fees and costs pursuant to 15 U.S.C. § 1117(a), due to Defendant's willful
10 violations of 15 U.S.C. §§ 1125(a) & (c). Plaintiffs are awarded costs of \$648.63
11 and attorneys' fees of \$7,600.00, pursuant to Local Rule 55-3.

12 IT IS ALSO HEREBY ORDERED, that Defendant and his agents,
13 employees, officers, directors, owners, attorneys, representatives, successor
14 companies, related companies, and all persons acting in concert or participation
15 with Defendant shall be permanently restrained from: manufacturing, advertising,
16 distributing, offering for sale, selling, whether directly or indirectly, counterfeit
17 BMW®, M®, M3®, or M5®-branded products or merchandise, including any
18 merchandise of any kind bearing Plaintiffs' marks or names that are confusingly
19 similar to the trademarks, trade names, designs or logos of Plaintiffs; and from
20 using Plaintiffs' marks or any copy, reproduction, or colorable imitation, or
21 confusingly similar simulation of Plaintiffs' marks on or in connection with the
22 promotion, advertising, distribution, manufacture or sale of Defendant's goods.

23 IT IS ALSO HEREBY ORDERED, that Defendant cancel, withdraw and
24 recall all promotions, advertisements and merchandise bearing Plaintiffs' marks or
25 any confusingly similar simulation to Plaintiffs' marks, which have been
26 published, placed or shipped by Defendant or under his authority, to any person,
27 entity, or customer, including, without limitation, any publisher, agency,
28 wholesaler, distributor, retailer, consignor or marketer, and also deliver to each

1 publisher or customer a copy of this Court's order as it relates to said injunctive
2 relief against Defendant.

3 IT IS SO ORDERED, ADJUDICATED and DECREED this 17TH day of
4 November, 2017.

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7 HON. ANDRÉ BIROTTE JR.
8 United States District Judge
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